

U.S. Application No. 10/015,617

REMARKS

The present invention is an electronic device. An electronic device according to an embodiment of the invention comprises a housing 2 and 3 and a cover 4 connected by a hinge 5, the hinge comprising a flexible pivot member about which the cover may pivot with respect to the housing between an open and a closed position of the electronic device, the housing and the cover also being interconnected by at least one resilient biasing strap 31 and 33, wherein the at least one biasing strap is configured to bias the cover into the open position in which the cover extends away from the housing as illustrated in Figs. 3, 4A and 4B and wherein the at least one biasing strap is made from a material which does not change length when the cover is opened. See page 2, lines 6-16, of the specification.

Claims 1, 2, 9-12, 14 and 16 stand rejected under 35 U.S.C. §102 as being anticipated by JP 10190796 (Horiushi). These grounds of rejection are traversed for the following reasons.

Claim 1, *inter alia*, substantively recites an electronic device comprising a housing and a cover connected by a hinge comprising a flexible pivot member and the housing and the cover also being interconnected by at least one resilient biasing strap with the at least one biasing strap being made from a material which does not change length when the cover is opened. This subject matter has no counterpart in Horiushi.

The combination of the hinge comprising a flexible pivot member and at least one resilient biasing strap provides a simple, fast and clean opening mechanism. If the Examiner requests, a video showing the operation of the claimed invention will be made available for the Examiner's consideration of the operation of the present invention relative to the prior art.

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It is noted that the Examiner has construed Horiushi such that the part 5 is considered to be the hinge and the at least one flexible resilient biasing strap configured to bias the cover into the open position. It is submitted for reasons set forth below that the fabric is not appropriately read upon both limitations. The Examiner relies upon the Abstract and further Sections 17-21. Submitted herewith for the Examiner's consideration is a translation of Sections 17-21 which has been translated by a translator. As may be seen and is consistent with the Patent Abstracts of Japan, the part 5, which the Examiner has construed to be both the hinge and the biasing strap, is described as being "formed from flexible material of synthetic rubber or the like" and further, is described in the aforementioned translation in paragraph 17 as "made of elastic material such as synthetic rubber".

In contrast, claim 1 recites that the at least one biasing strap is made from a material which does not change length when the cover is opened. This recitation excludes an interpretation of Horiushi's hinge part 5 as anticipating claims 1, 2, 9-12, 14 and 16. Moreover, there is no basis why a person of ordinary skill in the art would modify the teachings of Horiushi to arrive at the subject matter of claims 1-2, 9-12 and 14-16 except by impermissible hindsight.

It is noted that the Examiner's Response to Arguments states the claimed flexible hinge is the part 5. However, it is submitted that a person of ordinary skill in the art would not read claim 1, which recites an electronic device comprising a housing and a cover connected by a hinge, the hinge comprising a flexible pivot member...the housing and cover also being interconnected by the at least one resilient biasing strap...wherein the at least one biasing strap is made from a material which does not change length when the cover is opened to correspond to both a flexible pivot member and at least one biasing strap which does not change length when the cover is opened.

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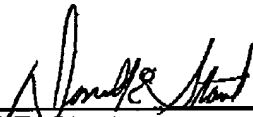
Moreover, a person of ordinary skill in the art would not consider the part 5 of Horiushi to be a "flexible pivot member". A construction of reading the flexible pivot member and the at least one biasing strap of claim 1 on the elastic part 5 would be an impermissible reading of two structurally incompatible elements on the same structure.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Docket No. 1344.41002TRN).

Respectfully submitted,

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Attachment
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